

Handling Staff Declarations of Conflict of Interest at FRA

The European Union Agency for Fundamental Rights (FRA or Agency) processes the personal data of a natural person in compliance with Regulation 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

This data protection notice explains FRA's policies and practices regarding its collection and use of your personal data, and sets forth your privacy rights. We recognise that information privacy is an ongoing responsibility, and we will update this notice where necessary.

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1. Why do we collect personal data?

Staff members/SNEs in active service shall not be dealing with any matter in which they have a personal interest that has the potential to directly or indirectly compromise their independence and, by extension, FRA's interests (Articles 11, 11a, and 16 of the Staff Regulations applied by analogy to FRA under Articles 11, 81 of the Conditions of Employment of other Servants of the EU (CEOS)).

In this context, FRA needs to ensure the absence of a conflict of interest before recruitment, during the employment and at the end of the service of the staff (contract agents, temporary agents and official on secondment) in order to preserve the impartiality of their decision-making power in the performance of their duties. This also applies to FRA staff returning from leave on personal grounds.

The purpose of the processing of FRA staff declarations on conflict of interest is to prevent a conflict of interests from arising, and to give proper follow-up to existing cases of (potential) conflict of interest.

2. What kind of personal data does the Agency collect?

(a) General Data

(I) Personal data contained in the form "Declaration of Interest" upon recruitment and periodical update every 3 years:

- First Name/ Last Name;
- Personnel Number;
- Administrative status: Temporary Agent/Contract Agent;
- Grade/Group Function;
- Position title;
- Unit;
- Signature;
- Personal data related to specific private ineterests (see Dol form)

(II) Personal data contained in the form "Declaration of Interest" upon Reinstatement after Leave on Personal Ground":

For the staff member returning from leave on personal ground:

- First Name/Last Name;
- Personnel Number;

- Administrative status: Temporary Agent/Contract Agent;
- Grade/Group Function;
- Position identified for the reinstatement (job description sent with the reinstatement offer);
- Unit;
- Signature;
- Personal data related to specific private interests (see Dol form)

(III) *Personal data contained in the form “Declaration of Interest” for MT annually published on the web:*

For the staff member returning from leave on personal ground:

- First Name/Last Name;
- Position title;
- Unit;
- signature;
- Personal data related to specific private interests (see Dol form)

(b) Special categories of personal data:

Certain information declared in the context of completing the Declarations of Interest might indicate:

- data revealing racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- Information regarding an individual’s sex life or sexual orientation

3. How do we collect your personal data?

Information you provide us:

We collect personal data through the Declaration of Interest forms, which you fill-in and sign, within the framework of this procedure.

In case a member of staff declares an interest, an appropriate assessment will be performed to ensure prevention of conflict of interest and appropriate follow up.

4. Who is responsible for processing your personal data?

The Agency is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Head of Corporate Services is responsible for this processing operation.

5. Which is the legal basis for this processing operation?

With respect to FRA staff, Articles 11, 11a, and 16 of the Staff Regulations, applied by analogy to FRA staff under Articles 11, 81 of the Conditions of Employment of other Servants of the EU (CEOS) comprise the specific legal bases.

With respect to the SNEs, Articles 6 and 7 of the [Management Board Decision 2017/01 on 'Rules on the secondment to FRA of national experts and national experts in professional training'](#) comprise the relevant legal bases.

Therefore, this processing is necessary for the performance of a task carried out in the public interest and for compliance with a legal obligation to which the controller is subject (under Article 5(1)(a) and (b) of Regulation 2018/1725).

The processing of special categories of data is based on Article 10(2)(b) of Regulation (EU) 2018/1725. Specifically, the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller in the field of employment law.

6. Who can see your data?

Within FRA, only the following persons can have access to the personal data:

- Contact person in the HR Unit
- Heads of Unit in his/her capacity of giving a formal written opinion on the presence of a conflict of interest of the staff member concerned;
- HR authorised staff
- Head of Unit CS in his/her advisory function;
- Ethics Officer
- Director of the Agency in his/her capacity of deciding on the presence of a conflict of interest;

Please be informed that, only for Management Team, the declarations are published on the FRA website (without grade and Staff number).

7. Do we share your data with other organisations?

Upon request, we might share your data with the following organisations-entities:

- European Court of Auditors (ECA);
- The Court of Justice of the European Union;
- European Anti-Fraud Office (OLAF);
- The European Ombudsman;
- European Data Protection Supervisor.

This transmission is restricted to the information necessary for the legitimate performance of tasks

within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

8. Do we intend to transfer your personal data to Third Countries/International Organizations

No.

9. When we will start the processing operation?

As soon as you handover the compiled and signed Declaration of Interest (DoI) form.

10. How long do we keep your data?

The data is stored for a maximum of 5 years after leaving the FRA. The DoI have to be updated throughout the employment every 3 years.

11. How can you control your data?

Under Regulation 2018/1725, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your information. You are not required to pay any charges for exercising your rights except in cases where the requests are manifestly unfounded or excessive, in particular because of their repetitive character.

We will reply to your request without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

You can exercise your rights described below by sending an email request to Recruitment@fra.europa.eu.

11.1. The value of your consent

Since collecting the Declarations of Conflict of Interest (DoI) at FRA is mandatory in accordance with the applicable legal framework (please refer to Section 5 of this Notice concerning the legal basis) you are not required to provide your consent.

11.2. Your data protection rights

a. Can you access your data?

You have the right to receive information on whether we process your personal data or not, the purposes of the processing, the categories of personal data concerned, any recipients to whom the personal data have been disclosed and their storage period. Furthermore, you can have access to such data, as well as obtain copies of your data undergoing processing.

b. Can you modify your data?

You have the right to ask us to rectify your data you think is inaccurate or incomplete at any time.

c. Can you restrict us from processing your data?

You have the right to restrict the processing of your personal data. If you do, we can no longer process them, but we can still store them. In some exceptional cases, we will still be able to use them (e.g. with your consent or for legal claims). You have this right in a few different situations: when you contest the accuracy of your personal data, when the Agency no longer needs the data for completing its tasks, when the processing activity is unlawful, and finally, when you have exercised your right to object.

d. Can you delete your data?

You have the right to ask us to delete your data when the personal data are no longer necessary for the purposes for which they were collected, when you have withdrawn your consent or when the processing activity is unlawful. In certain occasions we will have to erase your data in order to comply with a legal obligation to which we are subject.

We will notify to each recipient to whom your personal data have been disclosed of any rectification or erasure of personal data or restriction of processing carried out in accordance with the above rights unless this proves impossible or involves disproportionate effort from our side.

e. Are you entitled to data portability?

Data portability is a right guaranteed under Regulation 1725/2018 and consists in the right to have your personal data transmitted to you or directly to another controller of your choice.

In this case, this does not apply for two reasons: I) in order for this right to be guaranteed, the processing should be based on automated means, however we do not base our processing on any automated means; II) this processing operation is carried out in the public interest, which is an exception to the right to data portability in the Regulation.

f. Do you have the right to object?

When the legal base of the processing is *“necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body”* which is the case in most of our processing operations, you have the right to object to the processing. In case you object, we have to stop the processing of your personal data, unless we demonstrate a compelling reason that can override your objection.

g. Do we do automated decision making, including profiling?

Your personal data will not be used for an automated decision-making including profiling.

12. What security measures are taken to safeguard your personal data?

The Agency has several security controls in place to protect your personal data from unauthorised access, use or disclosure. We keep your data stored on our internal servers with limited access to a specified audience only.

Among several standard security measures, we also implement physical security (i.e. with a safe) and cybersecurity (i.e. mailbox with limited access).

13. What can you do in the event of a problem?

a) The first step is to notify the Agency by sending an email to Recruitment@fra.europa.eu and/or ethics@fra.europa.eu and ask us to take action.

b) The second step, if you obtain no reply from us or if you are not satisfied with it, contact our Data Protection Officer (DPO) at dpo@fra.europa.eu.

c) At any time you can lodge a complaint with the EDPS at <http://www.edps.europa.eu>, who will examine your request and adopt the necessary measures.

14. How do we update our data protection notice?

We keep our data protection notice under regular review to make sure it is up to date and accurate.

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